IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

LA.App..No. 1449 of 2007()

LAR.176/1998 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT: RESPONDENT

STATE OF KERALA, REP. BY
SPECIAL TAHSILDAR(NH),
KESAVADASAPURAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANT

K.LEKSHMI KUTTY,
SUNIL MANDIRAM,
KOVALAM P.O.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1449 of 2007 &
C.M.Appln.No.1699 of 2007

Dated this the 17th day of October, 2007

JUDGMENT

Kurian Joseph,J.

C.M.Appln.No.1449/2007 is a petition to condone the delay of 1145 days in filing the appeal. On merits it is seen that this appeal is filed against the judgment and decree in L.A.R.No.176/1998 on the file of the Sub Court, Trivandrum. The acquisition is for the purpose of Kazhakkoottam-Kovalam bye-pass. It is seen that the enhancement is only 30% over and above the land value fixed by the Land Acquisition Officer. The reference court has referred to Exts.A1 and A2 documents produced by the claimants, Exts.R1 and R2 documents of the Land Acquisition Officer and also the evidence of the claimant as AW1. There is no evidence for the respondent. No reliance as such is placed on the documents sought to be relied on by the claimant. It is seen that having regard to the importance of the locality of the property which lies near to Kovalam Junction adjacent to Trivandrum-Vizhinjam Road, a reasonable

enhancement to the tune of 30% was given, which in our view, particularly in the absence of any contra evidence, is a just and proper fixation of land value. Thus there is no merit in the appeal. Therefore, the petition for condonation of delay and the appeal are accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No. 1449 of 2007

JUDGMENT

17th October, 2007